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DATE:

July 1, 2005

PTO IDENTIFIER:

Application Number 10/040281-Conf. #9658

Patent Number

Jeffrey L. BROWNING et al.

MESSAGE TO:

US Patent and Trademark Office

FAX NUMBER:

(703) 746-4000

FROM:

LAHIVE & COCKFIELD, LLP

Cristin E. Howley, Ph.D.

PHONE:

(617) 227-7400

Attorney Dkt. #:

BGNB129CP2DV2CN

PAGES (Including Cover Sheet): 31

CONTENTS:

Transmittal (1 page)

Communication (2 pages)

Copy of Information Disclosure Statement filed July 2, 2002 (26 pages)

Certificate of Transmission (1 page)

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PAGE 2/31 * RCVD AT 7/1/2005 4:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7464000 * CSID:6177424214 * DURATION (mm-ss):08-18

Dated: July 1, 2005

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Signature

Docket No.: BGNB129CP2DV2CN

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Jeffrey L. Browning et al.

Application No.: 10/040281 Confirmation No.: 9658

Filed: November 7, 2001 Art Unit: 1635

For: Lymphotoxin-B, Lymphotoxin-B Complexes, Examiner: S. McGarry

Pharmaceutical Preparations And Therapeutic

Uses Thereof

MS Issue Fee P.O. Box 1450 Alexandria, VA 22313-1450

COMMUNICATION

Dear Sir:

Upon receipt of the Notice of Allowance, the file for the above-referenced case was reviewed and it was noted that a copy of PTO Form 1449 initialed by the Examiner had not been received. In a conversation with the Examiner, Applicants' agent was informed that the Patent Office had not received the Information Disclosure Statement dated July 2, 2002.

Enclosed please find a copy of the Information Disclosure Statement mailed July 2, 2002 to the Patent Office, including a copy of the Information Disclosure Statement, Transmittal Form, PTO Form 1449 (including Forms PTO/SB/08A and PTO/SB/08B), Supplemental Communication, International Search Report from a counterpart foreign application, Certificate of Mailing, and Return Postcard.

Application No.: 10/040281 Docket No.: BGNB129CP2DV2CN

Applicants respectfully request entry of these documents and consideration by the Examiner. Following consideration, Applicants request that the Examiner forward to Applicants' attorney an initialed copy of PTO Form 1449.

Dated: July 1, 2005

Respectfully submitted

Cristin E. Howle

Registration No.: 55,281

LAHIVE & COCKFIELD, LLP

28 State Street

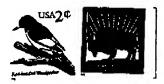
Boston, Massachusetts 02109

(617) 227-7400 (617) 742-4214 (Fax) Agent For Applicant

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Lymphotoxin-Beta, Lymphotoxin-Beta Complexes; Pharmaceutical Preparations And Therapeutic Uses Thereof Serial No. 10/040281 Applicant: Browning et al In the above matter, the following have been received by the US Patent and Trademark Office on the date stamped hereon. □ Express Mail Label No. Certificate of Mailing under 37 CFR □ Application incl. n Response to Office Action/Restriction pp. of specification □ Petition for __month extension of time _pp. of claims (# of claims-_ ☐ Assignment and Cover Sheet _pp. of abstract □ Amendment (_Preliminary _After Final) sheets of drawings; Figs. □ Notice of Appeal Provisional Application Cover Sheet □ Appellant's Brief(triplicate)(_Reply Brief) □ Declaration/Power of Attorney (_Unsigned) □ Letter to Chief Draftsperson □ Copy of Notice to File Missing Parts □ Issue Fee a Request for filing RCE Transmittal Letter 2 IDS, PTO-1449 and _ _references (Supp. Deposit Account Authorization \$ 02-2327 port B129CIP2DIV2CON Atty/asst: NDC/jlm Mailing Date: July 2, 2002



PATENT ADMINISTRATOR BIOGEN, INC. 14 CAMBRIDGE CENTER CAMBRIDGE, MA 02142

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Jacqueline L. Marlier

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

- 1. PTO Form 1449 (8 pgs.)
- 2. Information Disclosure Statement Transmittal Form (3 pgs.);
- 3. General Transmittal Form (1 pg.);
- 4. IDS Supplemental Communication (1 pg.);
- 5. Copy of International Search Report from a counterpart foreign application (8 pgs.);
- 5. Return Receipt Postcard

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	Application Number	10/049 281
TRANSMITTAL	Filing Date	11/07/2001
FORM	First Named Invento	Browning, Jeffrey
(to be used for all correspondence after initial filing)	Group Art Unit	1635
	Examiner Name	TBD
Total Number of Pages in This Submission 22	Attorney Docket Nun	nber B129USCP2DV2CO
ENCLOS	BURES (check all that	apply)
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Fee Attached Drawing		Appeal Communication to Board of Appeals and Interferences
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Docket No.: B129 CIP2DIV2CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Examiner: TBD

Browning et al.

Group Art Unit: 1635

Serial No.:

10/040,281

Filing Date:

November 7, 2001

For:

LYMPHOTOXIN-β, LYMPHOTOXIN-β COMPLEXES,

PHARMACEUTICAL PREPARATIONS AND THERAPEUTIC USES

THEREOF

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July 2, 2002 Date

Jacqueline L. Marlier

SUPPLEMENTAL COMMUNICATION

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir.

The attached Information Disclosure Statement submitted herewith is being filed before the mailing date of a first Office Action on the merits and therefore no fee is due. In an abundance of caution, however, the Assistant Commissioner is hereby authorized to charge Deposit Account No. 02-2327 for any unforeseen fee that may be due.

If the Examiner believes that consideration of the application, or of any matter related to this submission, would be facilitated by a telephone conference with

#10788

Applicants' attorney, the Examiner is urged to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

Date: July 2, 200 Z

Niki D. Cox, Esq.

Reg. No. 42,446

BIÖGEN, INC.

14 Cambridge Center Cambridge, MA 02142

(617) 679-2079 (Direct)

(617) 679-2838 (Facsimile)



Docket No.: B129 CIP2DIV2CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Examiner: TBD

Browning et al.

Group Art Unit: 1635

Serial No.:

10/040,281

Filing Date:

November 7, 2001

For:

LYMPHOTOXIN-β, LYMPHOTOXIN-β COMPLEXES, PHARMACEUTICAL

PREPARATIONS AND THERAPEUTIC USES THEREOF

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Date

Jacqueline L. Marlier

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

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This Information Disclosure Statement is submitted:

under 37 CFR 1.129(a), or 1

(First/Second submission after Final Rejection)

[X] under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filling national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

[] under 37 CFR 1.97(c) together with either:

a Statement under 37 CFR 1.97(e), as checked below, or

a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

Γì under 37 CFR 1.97(d) together with:

> a Statement under 37 CFR 1.97(e), as checked below, and []

a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

[] under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)

PAGE 10/31 * RCVD AT 7/1/2005 4:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7464000 * CSID:6177424214 * DURATION (mm-ss):08-18

-2-

Statement	<u>Under</u>	37 CFR	1.976	(e)

- Each item of information contained in this Information Disclosure Statement was first cited in [] any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)
Applies to original applications (other than design) filed on or after May 29, 2000

- [] Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in > 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- [X] Enclosed herewith is form PTO-1449:
 - [] Copies of the cited references are enclosed.
 - Copies of cited references are not enclosed; said references were cited in prior application, U.S. Application No. 07/990,304, to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
 - The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
 - [] The "concise explanation" requirement (non-English references) for reference(s) [under 37 CFR 1.98(a)(3) is satisfied by: the explanation provided on the attached sheet.

 - the explanation provided in the Specification.
 - submission of the enclosed International Search Report.
 - [] the enclosed English language abstract.

-3-

[]	A	pplic	ant requests that the following	non-published pending appli	cations be considered:
Examiner Initials	3				
	-		U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
	-		U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
	-		U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
			Examiner	Date	
	I]	A copy of each above-cited ap	oplication, including the curre	ent claims, is enclosed.
	[]	A copy of each above-cited at those entered in prior applicat 35 U.S.C. 120 is claimed.	oplication, including the curre ion, U.S. Application No. [ent claims, is enclosed, except], to which priority under
The E	xai nce	niner s wer	is requested to return a copy of considered with the next off	f the above list of pending ap	plications indicating which
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				BIOGEN, INC.	
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Application Number	10/040,281	_
Filing Date	11/07/2001	
First Named Inventor	Browning, Jeffrey	
Group Art Unit	TBD	
Examiner Name	TBD	
Altomey Docket Number	B1201ISCP2DV2CO	

	U.S. PATENT DOCUMENTS					
examiner	Cital No.1	U.S. Patent Number	Nind Code ²	Name of Patentee or Applicant of Cited Document	Oate of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	Al	4,338,39		Gilbert et al.	7/6/82	
	A3	4,758,54		Mitsuhashi et al.	7/19/88	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that labued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the aertal number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if peacible. ⁸ Applicant is to place a check mark here if English language Translation is attached.



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/040,281		
Filing Date	11/07/2001		
First Named Inventor	Browning, Jeffrey		
Group Art Unit	TBD		
Examiner Name	TBD		
Attorney Docket Number	B129USCP2DV2CO		

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	_
Exeminer Initials	Cite Na.1	Include name of the author (in CAPITAL LETTERS), litle of the article (when appropriate), tille of the from (book, magazine, journal, serial, symposium, calalog, etc.), date, page(s), volume-tasus number(s), publisher, city and/or country where published.	T
	C1	Y. Abe et al., "Expression of Membrane-Associated Lymphotoxin/Tumor Necrosis Factor-Beta on Human Lymphokine Killer Cells", Jpn. J. Canc. Res., 82, pp. 23-26. (1991).	
·	C2	Y. Abe et al., "Studies of Membran- Associated and Souble (Secreted) Lymphotoxin in Human Lymphokine- Activated T-Killer Cells in Vitro", Lymphokine and Cytokine Research, Vol. 11, pp. 115-121, (1992).	Ī
	C3	Abersoid et al., "Internal Amino Acid Sequence Analysis of Proteins Separated by Onc- or Two-Dimensional Gel Electrophoresis After in situ Protease Digestion on Nitrocellulose", PNAS, Vol. 84, pp. 6970-6974, (1987).	
	C4	B. Aggarwal et al., "Primary Structure of Human Lymphotoxin Derived from 1788 Lymphoblastoid Cell Line", J. Biol. Chem., Vol. 260, No. 4, pp. 2334-2344, (1985).	
	C 5	M. Akashi et al., "Lymphotoxin: Stimulation and Regulation of Colony-Stimulating Factors in Fibroblasts", Blood, 74, No. 7, pp. 2383-2390, (1989).	
	C6	W.F. Anderson, "Human Gene Therapy", Science, Vol. 256, pp. 808-813 (1992).	
	C 7	U. Anderson et al., "Characterization of Individual Tumor Necrosis Factor alpha- and beta-Producing Cells after Polyclonal T Cell Activation", J. of Immun. Meth., 123, pp. 233-240, (1989).	
	C8	J.S. Andrews et al., Characterization of the Receptor for Turnor Necrosis Pactor (TNF) and Lymphotoxin (LT) on Human T Lymphocytes", J. Immun., Vol. 144, No. 7, pp. 2528-2591, (1990).	
	Ç9	Androlewicz et al., "Lymphotoxin is Expressed as a Heterometic Complex with a Distinct 33-kDa Glycoprotein on the Surface of an Activated Human T Cell Hybridoma", Journal of Biological Chemistry", 267, No. 4, pp. 2542-2547, (1992).	Ī
	C1 0	R. Armitage et al., "Molecular and Biological Characterization of a Murine Ligand for CD40", Nature. Vol. 357, pp. 80-82, (1992).	
	211	K. Badenhoop et al., "TNF-alpha Gene Polymorphisms in Type 1 (insulin-Dependent) Diabetes Mellitis", Diabetologia, 32, 445-448, (1989).	

Examiner	Date
Signature	Considered

¹ Unique citation designation number. ² Applicant is to piace a check mark here if English language Translation is etteched.



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[&]quot;EXAMINER: Initial if reference considered, whether or not citation to in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Complete If Known Substitute for form 14499/PTO **Application Number** 10/040,281 INFORMATION DISCLOSURE Filing Date 11/07/2001 STATEMENT BY APPLICANT First Named Inventor Browning, Jeffrey **Group Art Unit** TBD (use as many sheets as necessary) **Examiner Name** TED Sheet af 8 **Attorney Docket Number** B129USCP2DV2CO

	7	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	_
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	C12	B. Beutler et al., "The History, Properties, and Biological Effects of Cachectin", Biochemistry, Vol. 27, No. 20, pp. 7575-7582, (1988).	
	C13	T. Bringman et al., "Monoclonal Antibodies to Human Tumor Necrosis Factors alpha and beta: Application for Affinity Purification, Immunoassays, and as Structural Probes", Hybridoma, 6, No. 5, pp. 489-507, (1987).	
	C14	J. Browning et al., "Studies on the Differing Effects of Tumor Necrosis Factor and Lymphotoxin on the Growth of Several Human Tumor Lines", J. Immun., Vol. 143, No. 6, pp. 1859-1867, (1989).	
	215	J. Browning et al., "Lymphotoxin and an Associated 33-kDa Glycoprotein are Expressed on the Surface of an Activated Human T Cell Hybridoma", J. Immunol., Vol. 47, No. 4, pp. 1230-1237, (1991).	
	C16	D. Cavender et al., "Endothelial Cell Activation Induced by Tumor Necrosis Factor and Lymphotoxin", Amer. J. Path., Vol. 134, No. 3, pp. 551-560, (1989).	
	C17	R. Cotran et al., "Endothelial Activation, its Role in Inflammatory and Immune Reactions", Endothelial Cell Biology, pp. 335-347 (1988).	
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Filing Date	11/07/2001
First Named Inventor	Browning, Jeffrey
Group Art Unit	TBD
Examiner Name	TBD
Attorney Docket Number	B129USCP2DV2CO

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Filing Date	11/07/2001		
First Named Inventor	Browning, Jeffrey		
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<u> </u>	CEB	C. Ware et al., "Expressions of Surface Lymphotoxin and Tumor Necrosls Factor on Activated T. B, and Natural Killer Cells", J. Immunol., Vol. 149, No. 12, pp. 3881-3888, (1992).					
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